

1 THE HONORABLE THOMAS S. ZILLY
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9 UNITED STATES DISTRICT COURT
10 FOR THE WESTERN DISTRICT OF WASHINGTON

11 HUNTERS CAPITAL, LLC, et al.,

12 Plaintiffs,

13 vs.

14 CITY OF SEATTLE,

15 Defendant.

16 Case No. 2:20-cv-00983-TSZ

17 DECLARATION OF MATTHEW
18 PLOSZAJ
19 IN SUPPORT OF PLAINTIFFS'
20 RESPONSES TO CITY OF SEATTLE'S
21 MOTION FOR SPOILATION AND
22 MOTION FOR SUMMARY JUDGMENT

23 Noting Date: November 15, 2022

24 I Matthew Ploszaj, declare as follows:

25 1. I am a resident of Capitol Hill, at 1210 East Pine St., where I have lived for over
26 nine years. The building I live in is a house on Pine St. between 12th and 13th Aves.

27 2. This declaration relates to the Plaintiffs' responses to the City of Seattle's Motion
28 for Spoliation (Dkt. No. 107) and Motion for Summary Judgment (Dkt No. 111).

29 3. While I am not seeking any economic damages in this case, I am seeking emotional
30 distress damages.

31 4. I joined a Signal message group around September 30, 2020, in order to receive
32 updates of what was going on in the Capitol Hill neighborhood. I was not using Signal during

1 CHOP, or in the first couple months after CHOP. I recall that there were many individuals in the
 2 group that were not identifiable by me.

3 5. I participated in the Signal group mostly passively, and discontinued using the
 4 application around the end of November 2020. I used the Signal app messaging platform to be
 5 aware of activities of the protesters / activists in the Capitol Hill neighborhood, and so most, if not
 6 all of my messages were about protesters' activities.

7 6. For example, I sent messages about the "protesters" burning our building's
 8 trashcans, being verbally assaulted by protesters, protesters using loudspeakers at night, the City's
 9 provisioning of the protesters with portapotties after the East Precinct was abandoned, and other
 10 activities of the protesters.

11 7. After November 2020, I do not recall sending any messages using the Signal
 12 message app.

13 8. I do not recall sending any direct messages using the Signal messages app, and all
 14 of the messages I sent were within the context of a group.

15 9. I did not activate the "disappearing messages" feature of Signal for any of the
 16 messages that I sent.

17 10. I have reviewed the Signal messages that were collected and I do not recall sending
 18 additional messages.

19 11. During CHOP, I had protesters demand that I show them ID. I had people threaten
 20 my life on several occasions.

21 12. Protesters spray painted threats to residents of our building on the sidewalk in front
 22 of our building.

23 13. Protesters made an unacceptable amount of noise all day and every night. They
 24 spoke using megaphones, beat loud drums and played amplified music until late in the night. I
 25 could not work from home due to the noise.

26 14. I feared for my personal safety some days and spent nights at friends' houses in

1 other parts of Seattle far away from CHOP. During CHOP, you never knew when the protesters
 2 would become dangerously violent and gunshots or fights would break out.

3 15. People broke into our apartment building on several occasions. On one occasion, I
 4 confronted one person who broke into the building, as he was exiting the property with some of
 5 my neighbor's personal property. I yelled at the individual and asked him to stop removing the
 6 property, but he just walked out. Later, but still during CHOP, I saw the same individual walking
 7 on the street and he recognized me. The police would not come to my building for me to make a
 8 police report, but asked that I travel several blocks to make a police report.

9 16. My downstairs neighbors had someone break into their apartment when they were
 10 home. The burglars entered the living room and rummaged through their belongings while my
 11 neighbors were in the next room, apparently unaware of the presence of the burglar.

12 17. Even though my property was outside of the CHOP barriers, Police would not come
 13 to protect me and my neighbors. The absence of any police presence was very upsetting to me, as
 14 it left me feeling very vulnerable to the protesters.

15 18. Someone jumped on the roof of my building and threatened to kill himself and the
 16 occupants of the building. The police and fire departments would not come to assist.

17 19. After CHOP, someone took our trashcans and burned them multiple times,
 18 completely destroying them.

19 20. Black Bloc protesters met on an almost daily basis in Cal Anderson Park, and
 20 marched through the neighborhood, blocking traffic, vandalizing property and terrorizing the
 21 neighborhood.

22 21. I am still disturbed by the events of CHOP and the continued occupation of the
 23 Capitol Hill neighborhood through the end of 2020.

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1 I declare under the penalty of perjury under the laws of the United States of America and
2 the State of Washington that the foregoing is true and correct.

3 DATED this 24th day of October, 2022 at Seattle, Washington.

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Matt Ploszaj